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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: TORTURE AND DETENTION

Written statement submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 1999]

GE.99-10702 (E)

Conditions of detention in Bahrain

1. The phenomena of detention and imprisonment are natural phenomena when it is within a reasonable scale within the rule of law, in accordance to the internationally recognized norms. But in Bahrain, 2,111 political detainees were interviewed by the International Committee of the Red Cross (ICRC) in 23 detention centres. With a population of about 400,000, this means 1 political detainee for every 200 citizens, which is appalling.

2. The prisons of Bahrain have never been empty of political prisoners or detainees, but since the initiation of the constitutional movement on a mass scale in late 1994, thousands of Bahraini people have been arbitrarily detained. In addition to expanding existing prisons such as Jaw, Al-Kala and Al-Adlia, makeshift detention centres were established quickly, such as Dockyard, and new prisons are under construction. The security and intelligence forces are being beefed up through the recruitment of expatriate mercenaries. In 1994, it was estimated that there were 15,000 members of the security services for a population of about 650,000.

3. The sufferings of the political detainees and prisoners are dreadful. During the last 4 years 10 defendants died as a result of torture, 5 of them in custody. The casualties among the detainees as a result of torture and diseases in custody are numerous.

4. Is there any prospect of demolishing these prisons? Will the promises of the Government of Bahrain before the Commission and the Sub-Commission become realities? We will examine below some aspects of detention in Bahrain.

5. Since suspending vital articles of the Constitution, especially article 65, and dissolving the National Assembly indefinitely on 26 August 1975, the constitutional and judicial safeguards for the citizens have been removed. The persistent policy of Al-Khalifa rule is the denial of the existence of political trends, the prohibition of the opposition, and the supremacy of Al-Khalifa in the society and State. Criticism and political opposition (organizations or individuals) are not tolerated. The prevailing slogan is that Bahraini society is a family headed by the Amir, who knows best what its interests are.

6. The Government issued the State Security Law on 27 October 1974, which was opposed by the all elected members of the National Assembly and consequently led to its dissolution. The Law entitles the Minister of Interior to imprison any person for up to 3 years without judicial verdict once he deems him a danger to State security. Though the Law provides for judicial review, it has never been observed. Thousands of Bahraini people, from different walks of life, men, women and children, have been arbitrarily detained under this Law. Many times the 3-year term was exceeded by up to 7 years.

7. The Penal Code of 1976 was designed not only to cope with penal offences, but also with acts of political and civil opposition. The Government does not recognize the existence of political defendants; they are either State security defendants or penal defendants. To deal with the "State security offences", the State Security Court was established the same year.

The law was amended in order to strengthen the penalties for State security offences, to expand the mandate of the State Security Court, and to make crimes retroactive.

8. The State Security Court is an extraordinary court whose rules and procedure contravene the Constitution of Bahrain and the internationally recognized standards and norms for fair and open trial. The British Bar Society and the British Parliamentary Group for Human Rights released a report on this court. Both the 1974 State Security Law and the Law on the State Security Court of 1976 are unconstitutional, since neither was ratified by the National Assembly, in contravention of the Constitution. Both fail to meet internationally recognized standards. Accordingly, several detainees under the State Security Law provisions had been considered by the United Nations Working Group on Arbitrary Detention as arbitrary detainees. Those convicted by the State Security Court are considered victims of injustice, and thus arbitrary prisoners.

9. Since its promulgation, the State Security Law has been the main instrument for arresting and detaining more than 15,000 citizens. During the last 4 years, the annual average has been 2,500. The policy of the Government is not to reveal the number, identities, duration and places of detention of the detainees or those released. In a situation of information blackout and the ban on the exchange of such information, and in the absence of human rights organizations, to ensure reliable information on the detainees is a hazardous task.

10. According to an ICRC report for 1997, the ICRC interviewed 2,111 detainees and prisoners in 23 detention centres. Though ICRC is in a position to present the most accurate picture of the detainees and prisoners, it is bound by its protocol with the Government of Bahrain to present its findings to the Government of Bahrain only. We hope that the expected visit of the Working Group on Arbitrary Detention will contribute to a clear and accurate evaluation, but this will depend on the Government of Bahrain.

11. The number of detainees fluctuates. There are people who have been in and out of detention several times. There are detainees who have served more than the statutory 3 years under the State Security Law, as was the case of Mohamed Al-Ghanem and others from Sitra Yahya Ali Al-Satrawi: one of the group staged a hunger strike on 29 November 1998 in protest of his continued arbitrary detention; he was penalized in a cruel way, which incited a strike by the detainees at the Dockyard Detention Centre.

12. The last 4 months witnessed two major campaigns of arrest. The first was launched in November under the pretext of an attempt to smuggle arms into the country and affected at least 40 persons, including 7 women; only 5 were charged. The second was launched in December when the opposition commemorates the initiation of the constitutional movement; tens of people were arrested.

13. On the occasion of the National Day, the Amir ordered the release of about 70 penal and political detainees, but no names were announced. The plight of the political detainees extends to their families, who are denied visits and their source of income and are liable to reprisals at any time.

Those who are released are usually dismissed from their public jobs, in a situation of economic slump. They are denied their passports too, which means denial of vital public services.

14. Barhaini prisons and detention centres are notorious for torture. During the last 4 years, 10 persons died due to torture and mistreatment in detention; 5 of them died in custody and the other 5 died after their release. The last victim of torture in custody was Noah Khalil Noah, 22, from Noaim, who was killed within hours of his arrest on 19 July 1998. The last to die after release was Mohamed Al-Sayah, 28, from Sitra, who died on 30 September 1998.

15. Despite the fact that the State of Bahrain became a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 18 February 1998, with reservations on articles 20 and 30, torture and mistreatment continue as before in Bahrain. The imprisoned leaders of the opposition were put in solitary cells and exposed to psychological torture. Their families were penalized. Shaikh Al-Jamri's eldest son Jameel and his son-in-law have been in prison for years. Lately, Shaikh Hassan Al-Daihi's two brothers were detained.

16. Torture methods are numerous: solitary confinement, denial of sleep, suspension for a day in contorted positions, beating with hoses, whips or cables, electric shocks, poisoning with food or asbestos, denial of lavatories, denial of family visits, threats of rape against the defendant or relatives, and many others. Hundreds of detainees have suffered contagious and other diseases such as cancer, liver diseases, paralysis, skin diseases, etc.

17. The officials who order torture, supervise it or execute it not only enjoy impunity, but also promotion and influence. The "torture general" Tomas Brian succeeded the ex-"torture general" Ian Henderson at the head of the security service. His collaborators, Col. Adel Flaifel and Col. Khaled Al-Wazan, amassed fortunes while Col. Abdul Aziz Al-Khalifa became the governor of the capital, Manama. No investigation has ever taken place into the five cases of death in custody. The written complaint by Abdu Rasul Al-Eskafi, father of the deceased Said, 16, to the Deputy Minister of Interior was rebuffed.

18. The Commission failed last year to deal with the critical situation of human rights in Bahrain. We hope that the Commission will stand by its commitments and responsibilities at the present session.